

Appl. No. 10/086,497
Amendment dated: August 28, 2003
•Reply to Restriction Requirement of July 23, 2003

REMARKS

Claims 1-7 and 16-18 are pending in the present application and have been restricted. Applicants herein provisionally elect Species A, claims 1-2, 5-7 and 17-18 with traverse.

The restriction requirement is respectfully submitted to be improper as to claims 3 and 16, because claim 3 is generic to all of the species disclosed. More specifically, claim 3 depends from generic claim 2, and claim 3 is directed to a plate shape of a reflector of a neutral beam generator, wherein the neutral beam generator and the reflector are generic to all species disclosed and the plate shape of the reflector is generic to all species illustrated in Figure 4. Claim 16 depends from claim 3 and merely limits the sloping of the plate shape of the reflector.

Further, regarding Specie A and Specie B, the restriction requirement is submitted to be improper because the Examiner has restricted Species A and B apparently based on different embodiments illustrated in Figures 4 and 5 that represent Species A and B respectively. Although Figures 4 and 5 differ in appearance, Claims 1-2, 5-7 and 17-18 are generic to the embodiments shown in Figures 4 and 5. Accordingly, Specie B is not 'independent and distinct' from Specie A and, thus improperly restricted.

In view of the foregoing, the Applicants respectfully request that the requirement for restriction be withdrawn upon reconsideration.

If there are any charges with respect to this response or otherwise, please charge them to Deposit Account 06-1130.

Respectfully submitted,
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